New Council Members

Views & Visions for the Upcoming Year

Larry Simns, Maryland

I've been a commercial fisherman all my life – clamming, oystering, fishing, and most recently operating a charter boat. As President of the Maryland Watermen's Association, I've represented commercial fishermen of the Chesapeake for 28 years. I have been or am currently involved in numerous environmental and fishery-related advisory boards, committees, counsels, task forces and associations. This is the kind of involvement needed to protect our waterways and our commercial and recreational fisheries.

I work toward a broad understanding of the major problems we are facing today. Too often there is a public perception that overfishing is the only problem we must overcome, while root issues like degradation of habitat and spawning areas get lower priority. I want to maintain a vision of the source problems and seek changes with those entities that need to improve their management of marine resources. I realize changes will require increased involvement among recreational fishermen, commercial fisherman and the agencies and scientists currently assessing marine fisheries.

I recognize both the necessity of having commercial fishermen who feed the non-fishing public and also the importance of the economic support provided through the recreational and charter boat fisheries. I also know that changes can be difficult when each interest group wants the resource for itself. I think one continuing challenge is making management decisions that provide fair distribution of the fisheries to all groups while maintaining or rebuilding needed habitat.

Over the years, I've shown a willingness to do what is necessary to make sure fisheries decisions were fair to all those concerned. This doesn't necessarily lead to popular decisions, but I don't worry about being popular, I worry about doing what needs to be done. The main thing we must keep in mind is that a strong resource means a strong fishery for all groups. Managing wisely means hard choices – especially when one user group ends up having to make decisions that curtails its own practices.

I look toward better science as a foundation for fisheries management. If we make choices based on good science and not on public opinion, then the resource prospers. When the resource prospers, all the user groups prosper.

It is necessary to look toward the long-term effect when we make our choices, not short-term fixes. The future of our charter, recreational and commercial fisheries depends on our ability to see the bigger picture for aquatic systems and for ourselves.

I'm sure other members in the Council recognize they are not always popular when they take certain positions. I know you can't please everyone, but instead you need to strengthen the resource and let history take care of the happiness of user groups over the long haul.

Michelle Peabody, Virginia

Growing up in a family that has worked and played on the water, I learned very early never to take the ocean for granted. I now own and manage a packing facility and two scallop vessels. My entire family is involved and we are all very dependent upon the ocean for our livelihoods.

Peabody Corporation is our base company, which offloads scallops and fishing vessels. The vessels that we pack come from the entire Mid-Atlantic. We pack various types of fish that are caught along the coast. I have managed Peabody Corporation for five years. I am in close contact with many of the local fishermen and I am able to hear many of their concerns. I received a Bachelor of Science in Economics from Wesley College, Dover Delaware.

In my first-term, I am very anxious to learn every aspect of the Council process and about the various species managed by the Council. During this time, I will successfully contribute along with my fellow Council members in making regulations that will protect the long-term future of both the recreational and commercial fishing industries, while most importantly making the best decisions that will protect our environment.

I would like to thank those who have provided me such a wonderful opportunity to make a difference.

In this Issue:

THE MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

302-674-2331

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Vice Chairman:
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Recent News

Council Recommends Commercial Management Measures for 2002

June 29, 2001

The Mid-Atlantic Fishery Management Council met in Hampton, Virginia to adopt 2002 fishery management measures for the surfclam and ocean quahog fishery and the squid, mackerel, butterfish fishery. In the past, the Council set annual specifications for these fisheries in August; however, due to changes in the specification process the Council now addresses these species during its June Council meeting.

Commerce Secretary Evans Announces Council Appointments

July 2, 2001

Secretary of Commerce Dan Evans announced the appointment of 18 members to the eight regional fishery management Councils. Two new members (Larry Simns, MD, and Michelle Peabody, VA) were appointed to the Mid-Atlantic Fishery Management Council and two incumbents Jim Lovgren, NJ, and Ron Smith, DE, were reappointed. All appointees will serve a three-year term. The two newly appointed members will fill at-large seats. One reappointed member will continue to fill the state-specific obligatory seat for the state of Delaware and the other an at-large seat. Council members are nominated by the governors of the affected states and may serve no more than three consecutive terms. The members began their terms on August 11, 2001 and will continue to serve on the Council through August 10, 2004.

NMFS Solicits Proposals for Research Activities

July 26, 2001

The National Marine Fisheries Service announced that it is seeking proposals for a new research set-aside program that integrates expertise from the fishing industry with scientific research to improve fisheries management. The program allows for the set-aside of up to three percent of a species' annual quota for research purposes in the following fisheries: summer flounder, scup, black sea bass, *Loligo* squid, *Illex* squid, Atlantic mackerel, butterfish, bluefish, and tilefish. The request for proposals closed September 14, 2001.

Stocks Rebuilding, Increased Quotas Recommended

August 13, 2001

The Council and the ASMFC's Summer Flounder, Scup, Black Sea Bass and Bluefish Boards met to adopt 2002 fishery management measures. The Council and Boards also approved the public hearing document for Amendment 13 to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan.

Hogarth Named Assistant Administrator for Fisheries

September 6, 2001

The Secretary of Commerce, Don Evans, announced Dr. William T. Hogarth has been named the Assistant Administrator for the NMFS (NOAA Fisheries). Hogarth has been Acting Assistant Administrator since he was reassigned from his position as Deputy Assistant Administrator in January 2001.

Seafood Recipes

by Fisherman's Wharf Cookbook

Spaghetti with Crab

1/4 cup olive oil
1/2 cup onion, chopped
1 t garlic, chopped
1 t parsley, chopped
1 t celery, chopped
1 cup solid-pack tomatoes
1 cup tomato sauce
1/4 cup Sherry
1 t black pepper
2 t salt
1/2 t paprika
1 1/2 cups water
1 pound crabmeat
1 pound spaghetti
Grated Parmesan cheese

In a heavy saucepan, heat the olive oil, and braise the onion, garlic, celery, and parsley until golden brown. Then add the tomatoes, tomato sauce, water, and seasonings. Simmer slowly for 1 hour. Then add the crabmeat and the wine, and simmer for a few minutes until thoroughly heated. Cook the spaghetti in boiling, salted water for 12 minutes. Drain it, and add to the sauce. Mix well, then pour on a platter, and sprinkle with cheese. Serve at once.

New York Subway Cars Become Artificial Reefs

By Gary Caputi, Council Member

Tuesday, August 21, 2001 marked the sinking of the first of four hundred of New York City's obsolete Redbird subway cars off the Delaware coast. When joined by the rest of the cars being provided by New York City Transit they will form the Redbird Reef, a new home for marine life including black sea bass, triggerfish and tautog. The reef will provide Delaware fishermen with an extensive area of hard bottom structure within easy reach of lower Delaware Bay and Indian River Inlet where once there was only featureless sand.

Tom Hoff and I were invited to witness the deployment of 27 cars onto Delaware Reef Site #11, the first of several thousand that will be decommissioned by N.Y.C. Transit in the next few years. We watched as the car bodies were pushed off a Weeks Marine Construction barge using heavy equipment to the cheers of the 200 guests aboard the ferry *Cape Henlopen* on the site approximately 19 miles from the mouth of Delaware Bay where they will rest on the ocean floor in 90 feet of water. Executives at the Metropolitan Transit Authority believe that reef construction is a great way to recycle the cars and after a rocky start negotiating with the states of New York and New Jersey, a deal was struck with Jeff Tinsman, Delaware Fish & Wildlife's Reef Program Coordinator. The transit authority will strip the cars to their shells, clean them to the standards required by the Coast Guard, deliver them to any designated reef site and deposit them on the ocean floor—for free! Now that Delaware has investigated and approved the use of the cars for reef construction, other states are showing increased interest in obtaining cars for their reef programs.

Tinsman had to deal with claims by two environmental groups who felt the cars were unfit for reef material. After an exhaustive investigation that included collaborative work by the Coast Guard, NMFS and U.S. EPA, the claims were debunked and Delaware's Governor, Ruth Ann Minner, approved the program. Under Tinsman's stewardship and with the support of state Fish & Wildlife Director, Andy Mannis, Delaware's fledging reef program has blossomed in just five years and the pact forged with New York City Transit will help them construct new reefs for the benefit of fishermen at no cost to Delaware taxpayers.

Joe Hofmann, NYC Transit's Sr. VP for Subways, provided guests there to witness the sinking with a rough inventory of cars that will become available in the coming years. The initial decommissioning of 50-foot Redbirds includes 1,300 cars. They will be followed by approximately 1,200 of even larger, heavier 60-foot models. Eventually a number of 75-foot stainless steel cars will be available to for reef projects.

Joe Hofmann speaks to the crowd

Even before the Delaware deployment, South Carolina requested an initial allotment of 300 cars. It is expected that other states will follow suit and benefit from this program. For more information about Delaware's growing system of artificial reefs or to obtain a free copy of the 2001 Delaware Reef Guide, contact Jeff Tinsman, Reef Program Coordinator by writing to the Division of Fish & Wildlife, 89 Kings Highway, Dover, DE 19901 or calling 302-739-4782. To inquire about subway car availability for reef projects in other states, contact Joseph Hofmann, NYC Transit, 370 Jay Street, Room 1317, Brooklyn, New York, 11201 or call him at 718-243-4567. ■

Manomet Report - Gear Research Study

Studies on the Impact of Extension Windows on Retention of Undersized Scup in Small Mesh Fisheries

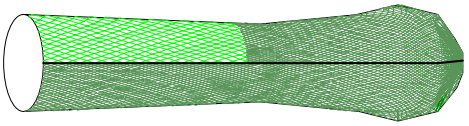
Over the past year, Manomet Center for Conservation Sciences has addressed the issue of bycatch in the commercial fisheries, one of the most pressing issues facing that industry in the mid-Atlantic region. Bycatch, or the incidental catch and discard of non-directed fish, is a major contributor to the decline of our regional fisheries and has resulted in a huge waste of the oceans' natural resources around the world. It has caused a high rate of mortality for many species managed by the Mid-Atlantic Council, thereby severely impacting fishing communities throughout the region. The Council identified the need to address the bycatch of scup in the squid fishery as a high priority and funded research by Manomet. The research study that was conducted on trawlers using small mesh codends for squid.

In 1998, Manomet worked with the Massachusetts Division of Marine Fisheries to conduct tests on separator trawls in the inshore squid fishery of Nantucket Sound. They documented that bycatch can be reduced in small mesh fisheries through the use of separator panels. The separator trawl study demonstrated complete separation between squid and non-squid. Manomet determined that they could conduct a similar study in shallow waters in the mid-Atlantic region and develop more selective fishing gear for the squid fisheries.

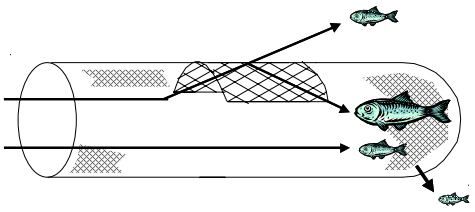
Manomet conducted several at-sea trials designed to test four different extension/codend net design configurations. Dr. Chris Glass, Project Director and Co-Principal investigator for Manomet, and his team conducted the experiments on fishing vessels ranging from 65-75 feet in length, in water depths less than 25 fathoms. The four different configurations (see examples below) included a diamond mesh extension window (4.5"), square mesh extension panel (5.5"), diamond mesh extension window (5.0") and a square mesh extension/tunnel.

Square Mesh Extension Panel (5.5")

Diamond Mesh Extension Window (4.5")



Separation Process of Extension Window



The 5.5" square mesh extension panel showed a significant reduction in the catch of undersized scup and little reduction in the catch of squid. When the 5.5" square mesh extension was placed in the net 50 meshes ahead of the codend, the bycatch and discard of undersized scup was reduced by 66 percent.

The 4.5" diamond extension was apparently ineffective in the reduction of bycatch possibly due to the fact that the mesh used was too small to show a substantial effect. The tunnel in the extension of the net demonstrated no increase in escapement and, in fact, resulted in an increase in the retention of scup.

Manomet recommended that more widespread trials be conducted in deeper water using larger vessels. In addition, they indicated further studies are needed to investigate the most appropriate position for escapement panels for vessels of different sizes. ■

2002 Council Meeting Schedule

STATES/DATES	LOCATION	INFORMATION
New Jersey 1/29-1/31	Meadowlands Plaza Hotel 40 Wood Ave. Secaucus, NJ	Tel: 201-272-1000
New York 3/12-3/14	Ramada East End 1830 Route 25 Riverhead, NY	Tel: 631-369-2200
Virginia 4/30-5/2	Omni Hotel 1000 Omni Blvd. Newport News, VA	Tel: 757-873-OMNI
Maryland 6/11-6/13	Hilton (formerly Town Center Hotel) 8727 Colesville Rd. Silver Spring, MD	Tel: 301-563-3802
Pennsylvania 8/6-8/8	Sheraton Society Hill One Dock St. Philadelphia, PA	Tel: 215-238-6625
North Carolina 10/1-10/3	Blockade Runner Resort 530 Causeway Dr. Wrightsville, NC	Tel: 910-256-2251
Delaware 12/10-12/12	Atlantic Sands The Boardwalk Rehoboth Beach, DE	Tel: 302-227-2511

Exvessel Value and Landed Pounds

Commercial Fisheries Managed by the Mid-Atlantic Fishery Management Council, 2000

The following table summarizes preliminary 2000 exvessel value and landed pounds[a] of commercial species managed by the Mid-Atlantic Fishery Management Council (New York to North Carolina).

In 2000, over 162 million pounds of these species were landed in the mid-Atlantic region, valued at slightly below $94 million dollars.

The most valuable Council managed species by state are as follows: *Loligo* squid in New York; surfclams in New Jersey and Maryland; black sea bass in Delaware; and summer flounder in North Carolina and Virginia.

The unit value of these species range from $.14 cents per pound for Atlantic Mackerel to $2.25 dollars per pound for Tilefish.

According to 2000 landings data, the most valuable of the species managed by the Council is the surfclam fishery totaling nearly $37.5 million and 40 percent of the total value landed.

	NEW YORK		NEW JERSEY		DELAWARE		MARYLAND	
Species	Value (dollars)	Volume (pounds)	Value (dollars)	Volume (pounds)	Value (dollars)	Volume (pounds)	Value (dollars)	Volume (pounds)
Atlantic Mackerel	54,944	138,338	1,205,301	9,645,344	228	1,068	7,013	21,121
Black Sea Bass	256,383	134,705	1,032,566	587,292	89,125	55,283	475,291	304,927
Bluefish	632,290	1,805,597	543,080	1,341,403	12,442	28,525	23,424	84,250
Butterfish	461,114	849,059	250,154	522,483	270	568	17,270	33,214
Illex Squid	0	0	1,515,559	8,708,586	0	0	0	0
Loligo Squid	7,688,089	12,104,033	3,010,006	5,637,300	0	0	93,832	134,942
Monkfish	878,713	749,852	6,505,343	4,414,112	0	0	273,557	215,706
Ocean Quahog	0	0	6,394,288	14,810,080	0	0	1,217,542	2,676,700
Scup	905,581	632,274	552,158	510,769	2	6	35	109
Spiny Dogfish	359,545	1,898,479	978,612	5,222,164	0	0	85,436	446,981
Summer Flounder	1,974,573	799,845	2,604,285	1,848,119	26,351	12,317	449,765	251,751
Surfclam	3,601,862	5,566,514	31,371,354	58,047,629	0	0	2,470,220	4,199,374
Tilefish	2,005,811	889,201	76,020	32,441	0	0	125	61
Total	18,818,905	25,567,897	56,038,726	111,327,722	128,418	97,767	5,113,510	8,369,136

	VIRGINIA		NORTH CAROLINA		TOTALS		
	Value (dollars)	Volume (pounds)	Value (dollars)	Volume (pounds)	Value (dollars)	Volume (pounds)	Unit Value ($/lb)
Atlantic Mackerel	104,373	158,778	3,233	17,763	1,375,092	9,982,412	0.14
Black Sea Bass	1,334,847	647,984	384,949	185,334	3,573,161	1,915,525	1.87
Bluefish	163,545	532,852	1,009,988	2,963,412	2,384,769	6,756,039	0.35
Butterfish	90,408	149,791	42,865	91,590	862,081	1,646,705	0.52
Illex Squid	44,274	364,528	11,197	85,267	1,571,030	9,158,381	0.17
Loligo Squid	99,879	182,434	23,120	42,294	10,914,926	18,101,003	0.60
Monkfish	842,958	941,671	1,059,702	867,074	9,560,273	7,188,415	1.33
Ocean Quahog	0	0	0	0	7,611,830	17,486,780	0.44
Scup	1,333	1,091	15	26	1,459,124	1,144,275	1.28
Spiny Dogfish	273,770	1,444,442	694,521	2,844,261	2,391,884	11,856,327	0.20
Summer Flounder	3,131,418	2,206,715	4,375,021	3,353,696	12,561,413	8,472,443	1.48
Surfclam	0	0	0	0	37,443,436	67,813,517	0.55
Tilefish	28	51	9,563	7,329	2,091,547	929,083	2.25
Total	6,086,833	6,630,337	7,614,174	10,458,046	93,800,566	162,450,905	0.58

[a] Landed pounds consist of meat weight for bivalve (ocean quahogs and surfclams) and live weight for all other species.

Source: NMFS unpublished preliminary data.

2002 Commercial Specifications

Management Measures for the Commercial Fisheries Sector

Summer Flounder

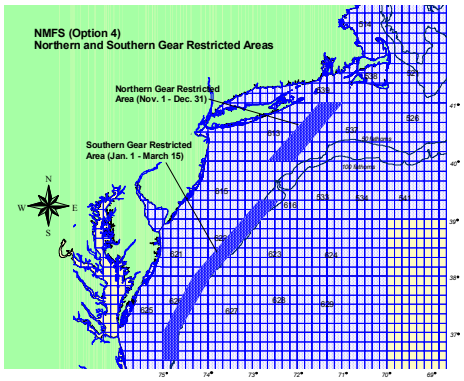
The total allowable landings (TAL) is set at 24.3 million pounds with a initial coastwide commercial quota of 14.58 million pounds or 60 percent of the TAL. In the commercial fishery, the minimum fish size remains status quo at 14 inches. The gear mesh size is 5.5 inches. The research set-aside for 2002 is 2% of the quota.

Black Sea Bass

The recommended quota for black sea bass for 2002 is 6.8 million pounds with 3.33 million pounds allocated to the commercial fishery. The minimum fish size increased from 10 inches to 11 inches and the minimum mesh size is 4.5 throughout the net or a minimum of 75 meshes of 4.5" in the codend. The possession limits for each quarter are recommended as follows: 1st quarter - 7,000 lbs; 2nd - 2,000 lbs; 3rd - 2,000 lbs; and 4th - 2,000 lbs per trip. There is a recommended decrease in the threshold level that triggers the minimum mesh size to 500 lbs for January-March and 100 lbs for April-December. The minimum vent size in pots and traps are set as follows: circular vents - 2-3/8"; square vents - 2"; and rectangular vents - 1-3/8" x 5-3/4". The quota research set-aside is 3% for this species.

Scup

The 2002 recommended quota is 10.77 million pounds which reflects an increase of 103%, from 5.3 million pounds in 2001. The quota would be divided between the commercial sector (8.0 million pounds) and the recreational sector (2.77 million pounds). Possession limits would be set as follows: Winter I (Jan-April), 2002 - 10,000 lbs (with the stipulation than when 80% of the quota is projected to be landed, the possession limit drops to 1,000 lbs); Winter II (Nov-Dec), 2002 - 2,000 lbs. In the directed scup fishery, the minimum mesh size for nets would be modified such that for large nets, no more than 25 meshes of 4.5 inch in the codend with at least 100 meshes of 5.0 inch mesh forward of the 4.5 inch mesh, and for small nets, 4.5 inch mesh or larger throughout. A management measure was also adopted that will allow vessels fishing with small mesh and having an escapement extension of 45 meshes of 5.5 inch square mesh behind the body of the net and ahead of the codend be allowed to fish in gear restricted areas. These gear restricted areas are as follows: Northern Gear Restricted Area -- closed from Nov. 1-Dec. 31 and the Southern Gear Restricted Area closed from Jan. 1-March 15.



Bluefish

The recommended TAL for 2002 of 26.87 million pounds is a reduction from the 2001 TAL of 37.84. However, the commercial quota is recommended to be increased to 10.5 million pounds based on a transfer of 5.9 million pounds from the recreational sector to the commercial sector. The research set-aside for this species is 2%.

Squid (long-finned & short-finned)

The 2002 quotas for squid are as follows: 17,000 metric tons (mt) for long-finned squid *(Loligo)* and 24,000 mt for short-finned squid *(Illex)*. The recommended specifications for 2002 set a maximum optimum yield (Max OY) at 26,000 mt and an allowable biological catch (ABC), initial optimum yield (IOY), domestic annual harvest (DAH), and domestic annual processing (DAP) at 17,000 mt. The 17,000 mt quota for *Loligo* fishery is divided into quarterly allocations: Quarter I (Jan-March) -- 5,649 mt (33.2%); Quarter II (April-June) -- 2,994 mt (17.6%); Quarter III (July-Sept) -- 2,941 mt (17.3%); and Quarter IV (Oct-Dec) -- 5,416 mt (31.9%). When 80 percent of the directed fishery in Quarter I-III is projected to be taken, the directed fishery will be closed and vessels will then be restricted to a 2,500 pound trip limit. When 95 percent of the annual quota is projected to be taken, the directed fishery will then be closed and a 2,500 pound trip limit will remain in effect for the remainder of the fishing year. When 95 percent of the annual quota is projected to be taken, the directed fishery will then be closed and a 2,500 pound trip limit will remain in effect for the remainder of the fishing year. The 2002 specifications for the Illex fishery would set the Max OY, ABC, IOY, DAH, and DAP at 24,000 mt. The directed fishery for Illex will remain open until 95 percent of the ABC is taken. When 95 percent of ABC is taken, the directed fishery will be closed and a 5,000 pound trip limit will remain in effect for the remainder of the fishing year.

Butterfish

The specification for year 2002 would set Max OY at 16,000 mt; ABC at 7,200 mt; and IOY, DAH and DAP at 5,900 mt. In the event the mackerel total allowable landings of foreign fishing (TALFF) is not specified, then the bycatch TALFF is zero. However, if the mackerel TALFF is specified, then the bycatch TALFF will be 0.08 percent of the mackerel TALFF.

Atlantic Mackerel

The specifications would set ABC at 347,000 mt; IOY at 85,000 mt; DAP at 50,000 mt; and the recreational harvest at 15,000 mt. The joint venture processing (JVP) is set at 20,000 mt, and TALFF at zero. The NMFS Northeast Regional Administrator would be allowed to increase the mackerel JVP by an additional 10,000 mt without consulting the Council.

SQUID, MACKEREL, BUTTERFISH

NOTE: all figures in metric tons

SPECIFICATIONS	SQUID LOLIGO/ILLEX	ATLANTIC MACKEREL	BUTTERFISH
Max OY	26,000 / 24,000	N/A	16,000
ABC	17,000 / 24,000	347,000	7,200
IOY	17,000 / 24,000	85,000	5,900
DAH	17,000 / 24,000	85,000	5,900
DAP	17,000 / 24,000	50,000	5,900
JVP	0	20,000	0
TALFF	0	0	

Summer Flounder Management 101

By Daniel T. Furlong, MAFMC Executive Director

Choose from the options below the answer(s) that best responds to the following question – for summer flounder, which of the following is/are responsible for the recommendation to increase landings by 36% in 2002?

a. Ecosystem-based fishery management planning
b. Essential fish habitat (EFH) management measures
c. Case law requiring quotas be set with at least a 50% likelihood of achieving the Fishery Management Plan's (FMP) rebuilding schedule
d. All of the above
e. None of the above

Well, if you selected a., b., c., or d. – you flunk! The correct answer is e.

What? Trick question? Not really. No ecosystem-based fishery management plan is in effect for any Mid-Atlantic Council FMP or any other Council's FMPs. No EFH management measures are in effect regarding the Magnuson-Stevens Act mandate to minimize the adverse effects on EFH caused by fishing. And, although 2001 regulations for summer flounder were established respecting the Natural Resources Defense Council (NRDC) et al vs. Daley lawsuit, they have yet to have a direct effect on the current status of the summer flounder stock since their effects cannot be assessed until 2002. Hence, e. is the only answer that applies.

So, despite the absence of ecosystem-based fishery management planning, despite the absence of EFH management measures, despite the benefitting effects of the application of case law requiring quotas be set with a 50% likelihood of achieving the summer flounder FMP's rebuilding schedule, despite significant annual overages of the recreational sector's harvest limits, and despite unquantifiable discard mortalities in the commercial sector, the Mid-Atlantic Fishery Management Council (MAFMC) and the Atlantic States Marine Fisheries Commission (ASMFC) recommended summer flounder landings for 2002 be increased by 36% over the 2001 level. How can this be given the above litany of contra-indicators for such an action? Well, the simple answer is that single species fishery management is working. Moreover, if we just stick with what is working, we will eventually achieve stock abundance levels that will allow all users to fish at optimum yield.

If stocks can be rebuilt and optimum yield can be achieved under single species fishery management, then why is there such a clamor for changes to the Magnuson-Stevens Act? Why do environmentalists, conservationists and academicians demand more be done to address EFH? Why do they call for adoption of ecosystem-based fishery management? Good questions!

Theoretically, EFH and ecosystem-based fishery management are wonderful concepts, but practically they leave much to be desired, especially in terms of data available to support such programs. Although National Standard 2 of the Magnuson-Stevens Act requires conservation and management measures be based on the best scientific information available, rest assured the "best" is often imperfect and less than ideal for fishery management purposes. For instance, when the Magnuson-Stevens Act was reauthorized by the Sustainable Fisheries Act (SFA) in October 1996, among other EFH issues included in the Act was the requirement to "describe and identify essential fish habitat." The consequent EFH descriptions and identifications developed by the Councils using NMFS draft guidelines (December 97) were so broad that virtually all marine and estuarine habitat was defined as EFH. The consequence of such logic is that it effectively gives credence to the converse that nothing is essential. Likewise, the requirement to minimize the adverse effects on EFH caused by fishing had its own shortcomings. Councils and NMFS are so data poor about such "adverse effects" that their efforts to satisfy this mandate failed in judicial review when environmentalists (American Oceans Campaign (AOC) vs. Daley) successfully argued that the Councils and NMFS violated the National Environmental Policy Act (NEPA) and "the broad national commitment to protect and promote environmental quality." The NEPA requires all federal agencies prepare an EIS "whenever they propose major federal actions significantly affecting the quality of the human environment." The plaintiff's allegations stated that the Councils and NMFS did not prepare full Environmental Impact Statements (EIS) even though the EFH amendments were sweeping in scope, their environmental assessment and finding of no significant impact were legally inadequate, and the Councils and NMFS violated NEPA by not considering any alternatives other than maintaining the status quo. This environmental victory caused five Councils SFA amendments to be returned to them for further action, i.e., correct their NEPA deficiencies by performing "a new and thorough environmental assessment or environmental impact statement as to each EFH amendment."

There are those who say the critical nexus between productive fisheries and their habitats is better and more broadly understood, yet the cold reality of "best scientific information available" is that there are virtually no studies or published literature that establish the value of EFH in terms of what such habitat contributes to the sustainability of federally managed stocks like summer flounder. This circumstance leads to the question of how can one assess the impacts on EFH by fishing gear when we don't know what the roles, effects, and contributions of EFH are to the stocks. Hence, meeting this requirement is not only problematic, it is virtually impossible. It is this inability to move from generalities to specifics, to move from research theory to management practice that frustrates us all. Perhaps when we have better technology, more knowledge, and more timely information about marine and estuarine habits and their contributions to fishery production we can adequately address this requirement. For now, the struggle continues. And what of ecosystem-based fishery management planning? Take the above discussion regarding our ignorance about EFH, and add to that our ignorance regarding the additional factors and considerations inherent in such planning, e.g., interactions that a target fish stock has with predators, competitors, and prey species; the effects of weather and climate on fisheries biology and ecology; development and understanding of conceptual food web models; complex interactions between fish and their habitat; effects of fishing on stocks and their habitat; and identification and understanding of the social and economic drivers of the fishing industry.

So where do we go from here? How about a reality check? Despite the absence of management measures addressing EFH mandates, and despite the lack of any ecosystem-based fishery management planning, our fishery management plans are working. Look at the big picture. Only in the last 25 years of our

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nation's 225 years of independence have we undertaken federal management of our fishery resources. Moreover, it has only been in the last five years that we have been charged with preventing overfishing and rebuilding the stocks to optimum yield. These are lofty and maybe even unattainable goals, but we are absolutely moving in those directions. And, we're doing so without EFH management measures and ecosystem-based fishery management planning. We are doing it through controlling fishing. That, beyond debate, is the prime factor in the recovery of summer flounder.

Many environmentalists, conservationists, and academicians say federal fishery management isn't working. They are wrong, it is working. It is working in New England. It is working in the Mid-Atlantic. It is working all over these coastal United States. Whether their campaign for more stringent EFH requirements and introduction of ecosystem-based fishery management planning is driven by misinformation, or driven by ignorance is immaterial. What matters is that the current system is working and it should be given at least one more Magnuson-Stevens Act reauthorization cycle to further prove itself. Congress should not add new mandates to the Act that have "sound good" and "feel good" qualities, but in reality can't be done. In the past five years millions of dollars have been appropriated to NMFS to address EFH issues. Countless agency and council staff hours have been spent in attempting to meet regulations implementing statutory mandates, not only in the initial development and promulgation of EFH measures, but then again in response to litigation and its after effects. To date, not one single substantive management measure dealing with EFH has contributed to the rebuilding of any federally managed species since passage of the Sustainable Fisheries Act (SFA). EFH and ecosystem-based fishery management are "motherhood" and "apple pie" issues, but given the EFH debacle associated with the SFA amendment, they need much more reflection and analyses before being expanded or inserted in the Magnuson-Stevens Act as fishery management dictates. Additional undoable mandates will bring an already slow, cumbersome, and complex fishery management process to a stop.

In closing, I have another question. Choose the option(s) that best responds to the following – for scup, which of the following is/are responsible for the recommendation to increase landings by 103% in 2002?

a. Ecosystem-based fishery management planning
b. Essential Fish Habitat (EFH) management measures
c. Case law requiring quotas be set with at least a 50% likelihood of achieving the Fishery Management Plan's (FMP) rebuilding schedule
d. All of the above
e. None of the above

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